

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-20 are pending in the present application. Claims 2, 3, 7-10 and 14-19 are amended and Claim 20 is added by the present amendment. Claim amendments find support in the application as originally filed. Thus, no new matter is added.

In the outstanding Office Action, Claims 2, 4, 6, 8-12 and 14-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Zereski et al. (U.S. Pat. No. 5,654,886, herein “Zereski”) in view of Throckmorton et al. (U.S. Pat. No. 5,818,441, herein “Throckmorton”) and Durham (U.S. Pat. No. 6,330,394); and Claims 3, 5, 7 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Zereski and Throckmorton in view of Durham and in further view of Murphy (U.S. Pat. No. 6,564,380).

Addressing now the rejection of Claims 2, 9-12 and 14-18 under 35 U.S.C. §103(a) as unpatentable over Zereski and Throckmorton, this rejection is respectfully traversed.

Claim 15 recites, in part,

storing the merchandising information in a database;
receiving changed information;
automatically updating the stored information based on
the received changed information;
receiving, from the broadcast customer, a first selection
identifying a subset of the stored information as display data;
receiving, from the broadcast customer, a second
selection identifying a screen arrangement for the display data,
the screen arrangement determining where the display data will
be positioned on an output screen which is displaying the
output video digital data stream;
defining, at a server, a video layout based on the first
and second selections received from the broadcast customer;
formatting, at the server, a broadcast-ready video data
stream which includes the display data based on the video
layout;
transmitting the broadcast-ready video data stream from
the server to the broadcast customer;
receiving the broadcast-ready video data stream from
the server; and

combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer thereby producing the output video digital data, wherein the combining positions the display data of the received broadcast-ready video data stream and the video content broadcast by the broadcast customer according to the screen arrangement.

Zereski describes a method of creating presentations for the internet.¹ Specifically, Zereski describes organizing weather data from various sources so it can be presented by a web server.

Throckmorton describes a system of synchronizing associated data with a primary data stream. Specifically, Throckmorton describes that a data synchronizer 20 creates a script for the delivery and display of associated data at specific points in time.

Durham describes a web-page personalization method in which a user makes a number of selections regarding what type of content is desired on a web-page. These selections are then stored in a cookie on the user device and when the user connects to a web-site the web-site is created based on the user selections.

However, the combination of Zereski, Throckmorton and Durham does not describe or suggest, at least, combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer thereby producing the output video digital data, wherein the combining positions the display data of the received broadcast-ready video data stream and the video content broadcast by the broadcast customer according to the screen arrangement, as is recited in Claim 15.

The outstanding Action acknowledges on page 4 that Zereski does not describe or suggest the combining step recited in Claim 15. Nevertheless, the outstanding Action relies on Throckmorton and Durham as curing the deficiencies of Zereski.

¹ Zereski, col. 5, lines 1-3.

The outstanding Action asserts on page 4 that col. 5, lines 19-64 of Throckmorton discloses combining a broadcast ready data stream with video content broadcast by the broadcast customer.

However, nothing in Throckmorton describes or suggests in any way combining, prior to broadcast, the received broadcast-ready video data stream with video content broadcast by the broadcast customer thereby producing the output video digital data, where ***the combining positions the display data of the received broadcast-ready video data stream and the video content broadcast by the broadcast customer according to the screen arrangement.***

Durham describes a web-page personalization method in which a user makes a number of selections regarding what type of content is desired on a web-page. However, nothing in Durham describes or suggests a combining that positions the display data of the received broadcast-ready video data stream and the video content broadcast by the broadcast customer according to the screen arrangement.

The outstanding Action asserts that the combination of Zereski and Durham would disclose the selection by the broadcast customer of a placement of the four-day forecast graphic 140, the image 142 of the meteorologist, the text summary 133 and the advertisement 146 of Zereski. However, Applicants note that even if these references were taken to disclose this feature (which Applicants do not acknowledge), nothing in the cited combination of references discloses that a broadcast-ready video data stream and video content broadcast by the broadcast customer are ***combined*** such that display data is positioned on an output screen in a selected screen arrangement.

Accordingly, Applicants respectfully submit that Claim 15, and claims depending therefrom, patentably distinguish over Zereski, Throckmorton and Durham considered individually or in combination.

In addition, the further cited Murphy reference does not cure the above noted deficiencies of Zereski, Throckmorton and Durham.

With regard to dependent Claim 8, Applicants respectfully submit that this claim patentably distinguishes over the cited Zereski, Throckmorton, Durham and Murphy for reasons in addition to this claim's dependence of Claim 15.

Specifically, Claim 8 recites that the output video digital data is a video stream which is correspondingly updated during broadcast when a new first or second selection is received by the server.

Zereski describes that an internet user can initiate a local forecast presentation. However, nothing in Zereski or in the further cited Throckmorton, Durham and Murphy references discloses a video stream which is correspondingly *updated during broadcast*² when a new first or second selection is received by the server. In other words, while the claimed invention is able modify features of a broadcasted video stream, this feature is not disclosed in the cited references.

New Claim 20 includes similar features to Claim 8 with regard to the output video digital data being a video stream which is correspondingly updated during broadcast when a new first or second selection is received by the server.

Accordingly, Applications respectfully submit that Claims 2-20 patentably distinguish over the cited references.

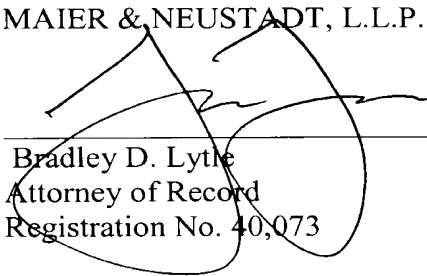
Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

² See page 5, line 22+ of the present specification.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

James Love
Registration No. 58,421